

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 5328 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

-----  
UNITED INDIA INSURANCE CO.LTD.

Versus

NARAN DANJI MARAND

-----  
Appearance:

MR PV NANAVATI for Appellant

MR MEHUL S SHAH for Respondent No. 1

None present for other Respondent

-----  
CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 11/08/98

ORAL JUDGEMENT

This appeal under section 173 of the Motor Vehicles Act, 1988 is directed by the Insurance Company against the award dated 29th September, 1997 of M.A.C.T (Aux.) Kachchh at Bhuj in M.A.C.P. No.614 of 1990 under which the claimant has been awarded compensation to the tune of Rs.67,200/- with interest at the rate of 15% per annum.

Learned counsel for the respondent-claimant raised a preliminary objection that in view of the latest pronouncement of the Apex Court in the case of Shankarayya vs. United India Insurance Co. Ltd. reported in 1998 (3) SCC 140, this appeal is not maintainable at the instance of the Insurance Company.

Learned counsel for the appellant is unable to find out any way to distinguish this decision of the Supreme Court.

In view of this settled position of law, this appeal has no merits and the same is dismissed. Interim relief, if any, granted by this Court stands vacated. No order as to costs.

\*\*\*\*\*

zgs/-